

REMARKS

In the Final Office Action, the Examiner rejected claims 16-42, while claims 1-15 remain withdrawn from consideration. Applicants submit the enclosed Rule 131 Declaration to swear behind the primary reference in the Examiner's rejections. In view of the enclosed evidence and the following remarks, Applicants respectfully assert that the pending claims are patentably distinct from the prior art and in condition for allowance.

Removal of Melker Pursuant to 37 C.F.R. § 1.131

In view of the earlier date of the invention of the subject matter disclosed and claimed in the present application, Applicants have chosen to remove Melker et al. (U.S. Patent No. 6,535,714 B2; hereinafter Melker) pursuant to 37 C.F.R. § 1.131. Under Rule 131, the Applicants may overcome a prior art rejection by filing an appropriate declaration that establishes invention of the claimed subject matter by the Applicants prior to the effective date of the reference(s) relied upon in the rejection. Prior invention may be shown by proving actual reduction to practice prior to the effective date of the reference(s).

Accordingly, Applicants submit the enclosed Rule 131 Declaration of inventor Robert Laferriere pursuant to Rule 131, signed by the inventor of record, to demonstrate that the invention disclosed and claimed in the present application was conceived and actually reduced to practice prior to the effective date of Melker. Specifically, in paragraph 3 of the attached Rule 131 Declarations, the applicant/inventor declares that the subject matter disclosed and claimed in the above-referenced application was conceived at least as early as March 2000. Applicants further submit that Exhibit A in its entirety, along with the corresponding Rule 131 Declarations, is sufficient to demonstrate conception of the claimed subject matter at least as early as March 2000.

The effective date of Melker is no earlier than June 30, 2000, provided that the provisional application supports the claims of the issued Melker patent. Although Applicants reserve the right to challenge this effective date, the issue is not relevant at this time.

As indicated by paragraph 4 of the attached Rule 131 Declaration, the applicant/inventor declares that the invention disclosed and claimed in the present application was actually reduced to practice at least as early as March 2000. Applicant further submits that Exhibit A in its entirety, along with the corresponding Rule 131 Declaration, is sufficient to demonstrate actual reduction to practice of the claimed subject matter at least as early as March 2000.

In view of the evidence discussed above, Applicants respectfully request the Examiner remove Melker from consideration.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 16-17, 23-25, and 27 under 35 U.S.C. § 102(e) as anticipated by Melker et al. In view of the foregoing removal of Melker, the Applicants respectfully request withdrawal of these rejections.

Rejections Under 35 U.S.C. § 103

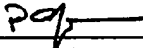
In the Office Action, the Examiner rejected claims 18-22, 26, and 28-42 under 35 U.S.C. § 103(a) as unpatentable over Melker in view of Edlund et al. (U.S. Patent No. 6,085,227; hereinafter Edlund). In view of the foregoing removal of Melker, the Applicants respectfully request withdrawal of these rejections.

C nclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: 4/26/2004



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Robert J. Laferriere et al.

Serial No.: 09/682,238

Filed: August 8, 2001

For: PLATFORM INDEPENDENT
TELECOLLABORATION
MEDICAL ENVIRONMENTS

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Group Art Unit: 3713

Examiner: Saadat, Cameron

Atty. Docket: GEMS:0136/YOD/SWA/
15-SV-5654

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

4-26-04
Date

Synda Howell

Sir:

DECLARATION OF ROBERT LAFERRIERE UNDER 37 C.F.R. § 1.131

I, Robert Laferriere, hereby declare as follows:

1. I am a co-inventor of record of the above-referenced application.
2. My residence address is set forth below, along with my signature.
3. We conceived the subject matter disclosed and claimed in the above-referenced application at least as early as March 2000. This conception is evidenced by the document labeled "GE Medical Systems: Mercury," which includes a description of the platform independent telecollaboration environments as set forth in the claims of the above-referenced application. This document was prepared at least as early as March 2000. A true and redacted copy of this document is attached hereto as Exhibit A.
4. We actually reduced to practice the subject matter disclosed and claimed in the above-referenced application at least as early as March 2000. This actual reduction to practice is

also evidenced by the document labeled "GE Medical Systems: Mercury," which records successful completion of a prototype of the platform independent telecollaboration environments at least as early as March 2000.

I declare further that all statements made herein are of my own knowledge, are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: 6/26/2004

By:


Robert Laferriere

Declarant's Full Name: Robert Laferriere

Country of Citizenship: U.S.A.

Residence Address: 11817 N. Bridgewater Drive
Mequon, WI 53092

PROJECT OBJECTIVES

Develop Prototype:

- 1^o - To enable telecollaboration between customers and OLEs for sited DI systems with network connectivity
- 2^o - To maximize system uptime and minimize downtime (process and equipment) through an increased rate of remote service.

BUSINESS CASE

Benefits:

- Modality independent solution
- Positive impact on customer's operating model
- Timely and value-added OEM response

Potential Financial Impact:

- Revenue growth with new offering
- Lower operating cost for apps support
- Increased market share

SCOPE

In Scope:

- IRIX platform
- Remote control standards into LifeCycle/2 Service System Requirements as input to modality roadmaps.
- Architecture risk retirement

Out of Scope:

- Product Requirements
- Formal product design
- Formal Product Business Case

PROJECT TEAM and MILESTONES

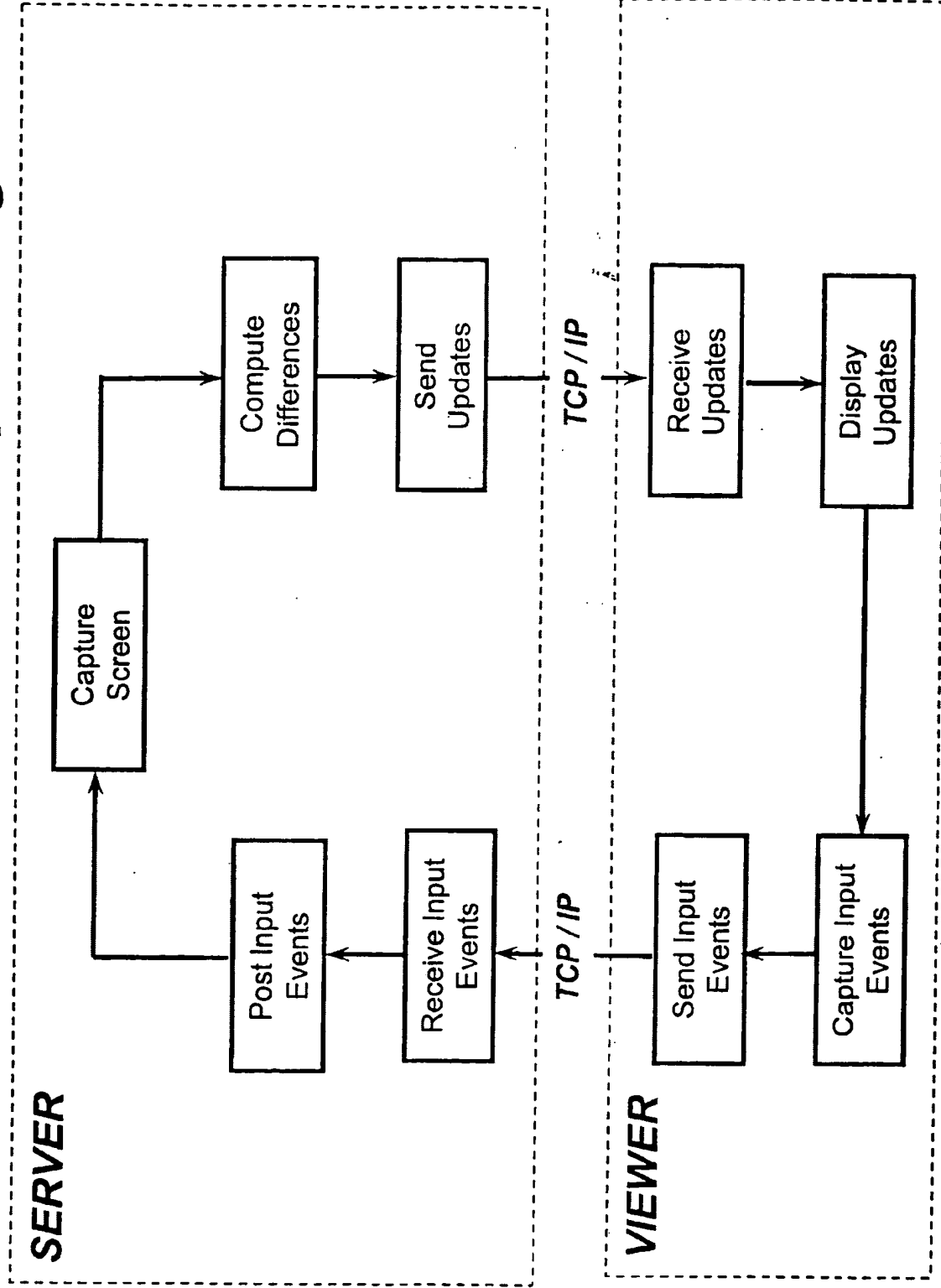
Team Members:

- Bob Laferriere

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|-------------------------------------|----|----------|
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| <input checked="" type="checkbox"/> | R1 | 06/21/00 |
| <input checked="" type="checkbox"/> | R2 | 06/21/00 |
| <input checked="" type="checkbox"/> | R3 | 08/23/00 |
| <input checked="" type="checkbox"/> | R4 | 08/23/00 |

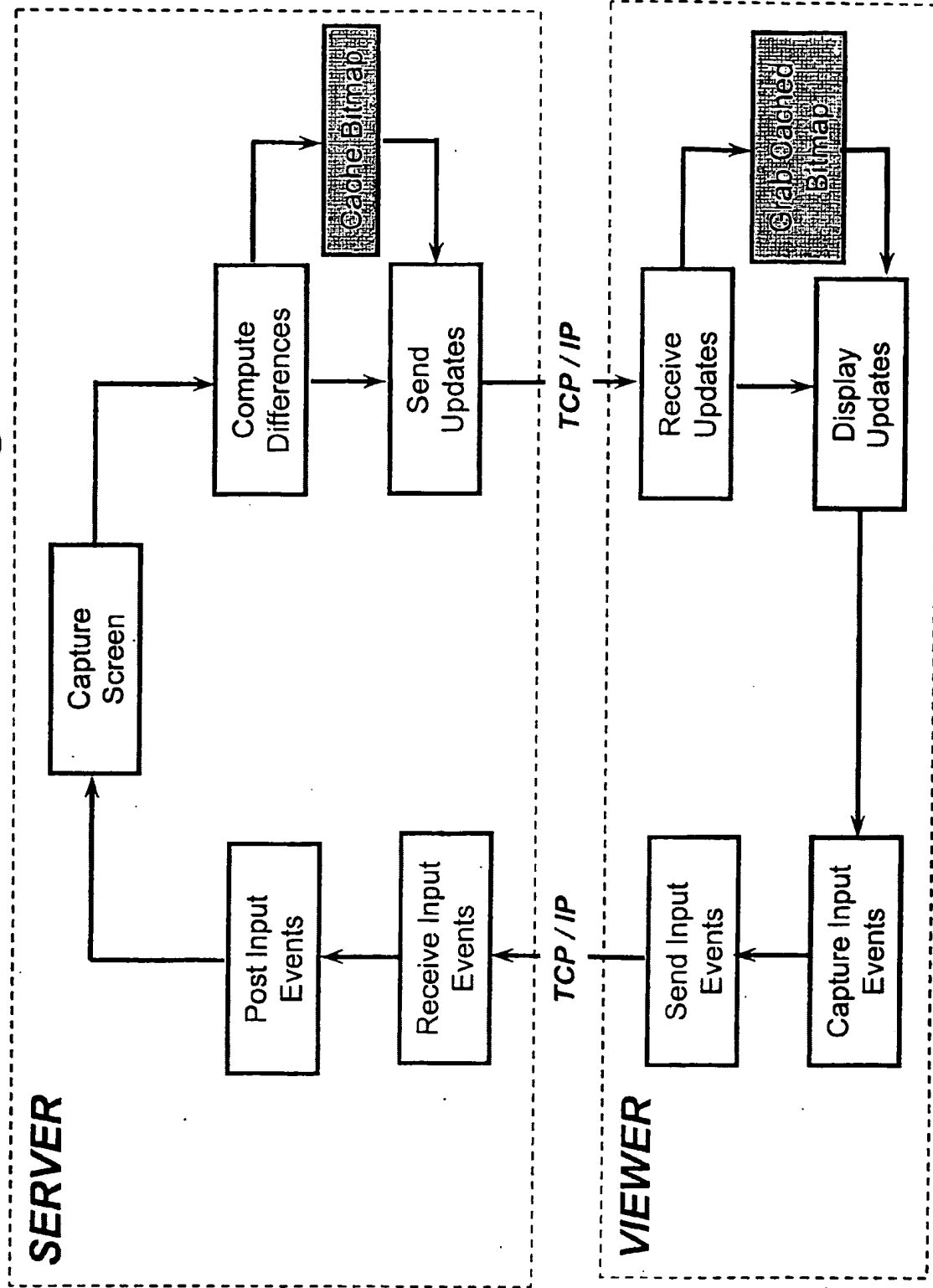
Define

Screen Capture Concept Design



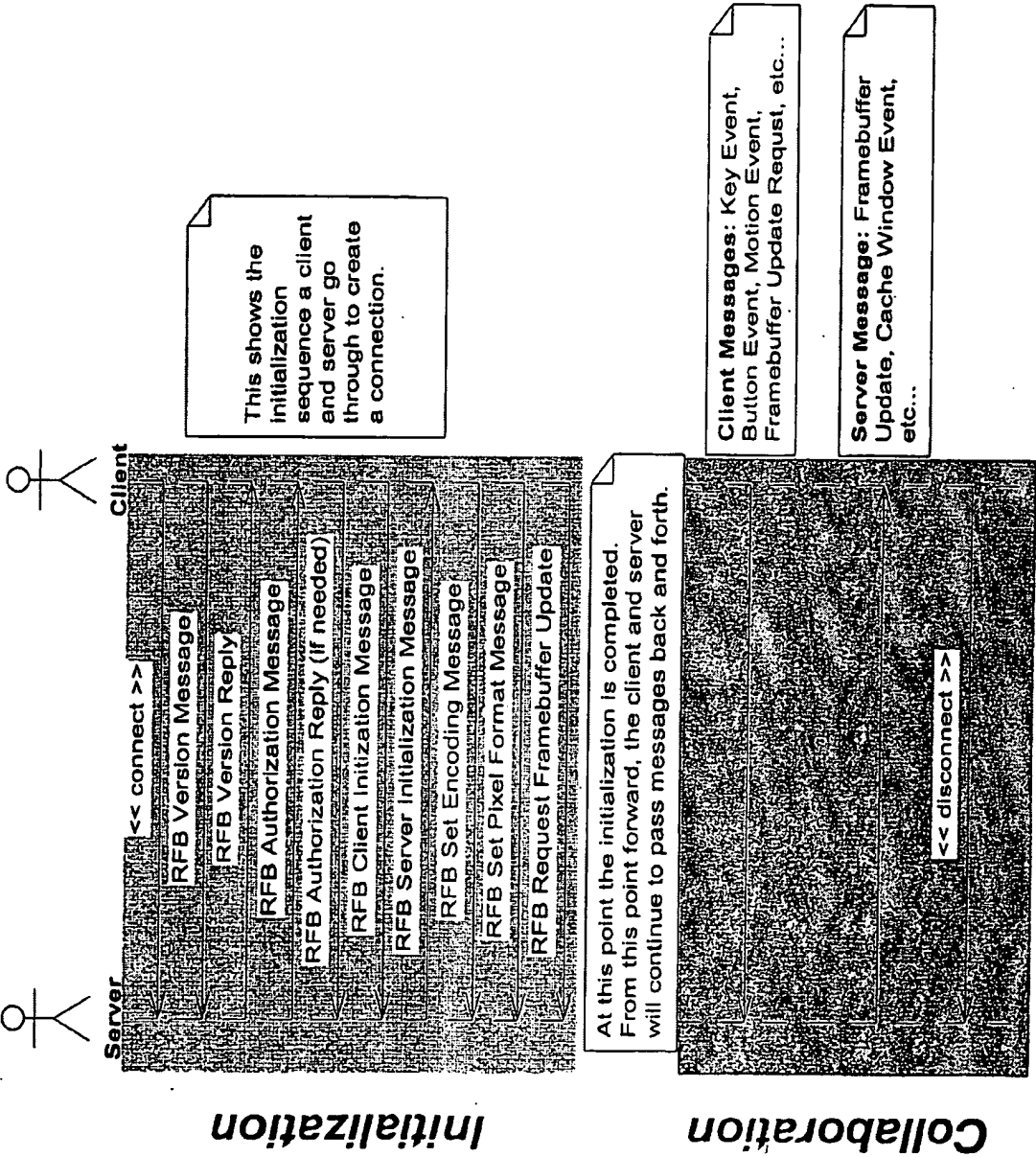
Analyze

Improved Design



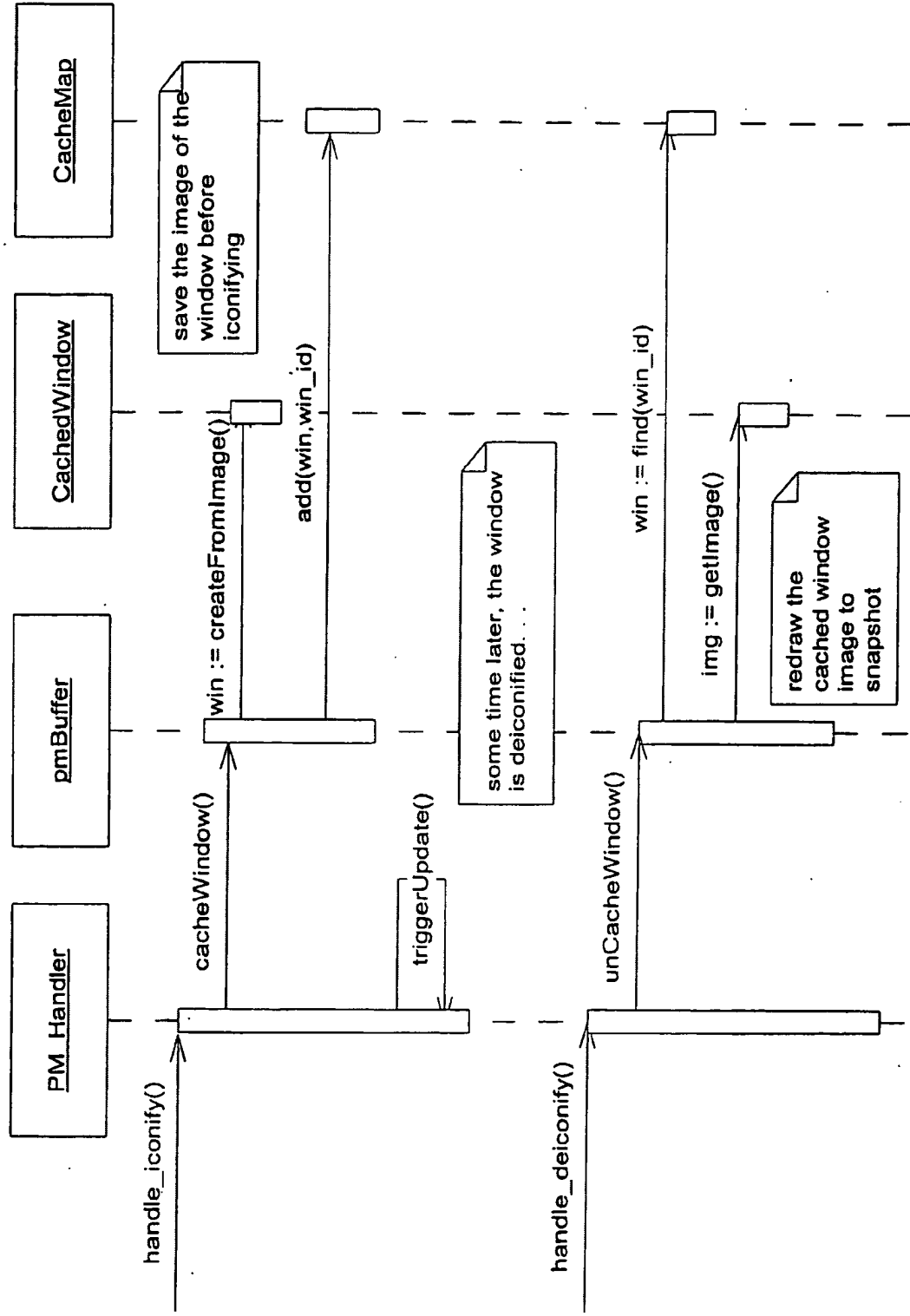
Design

2 Phased Communication Protocol



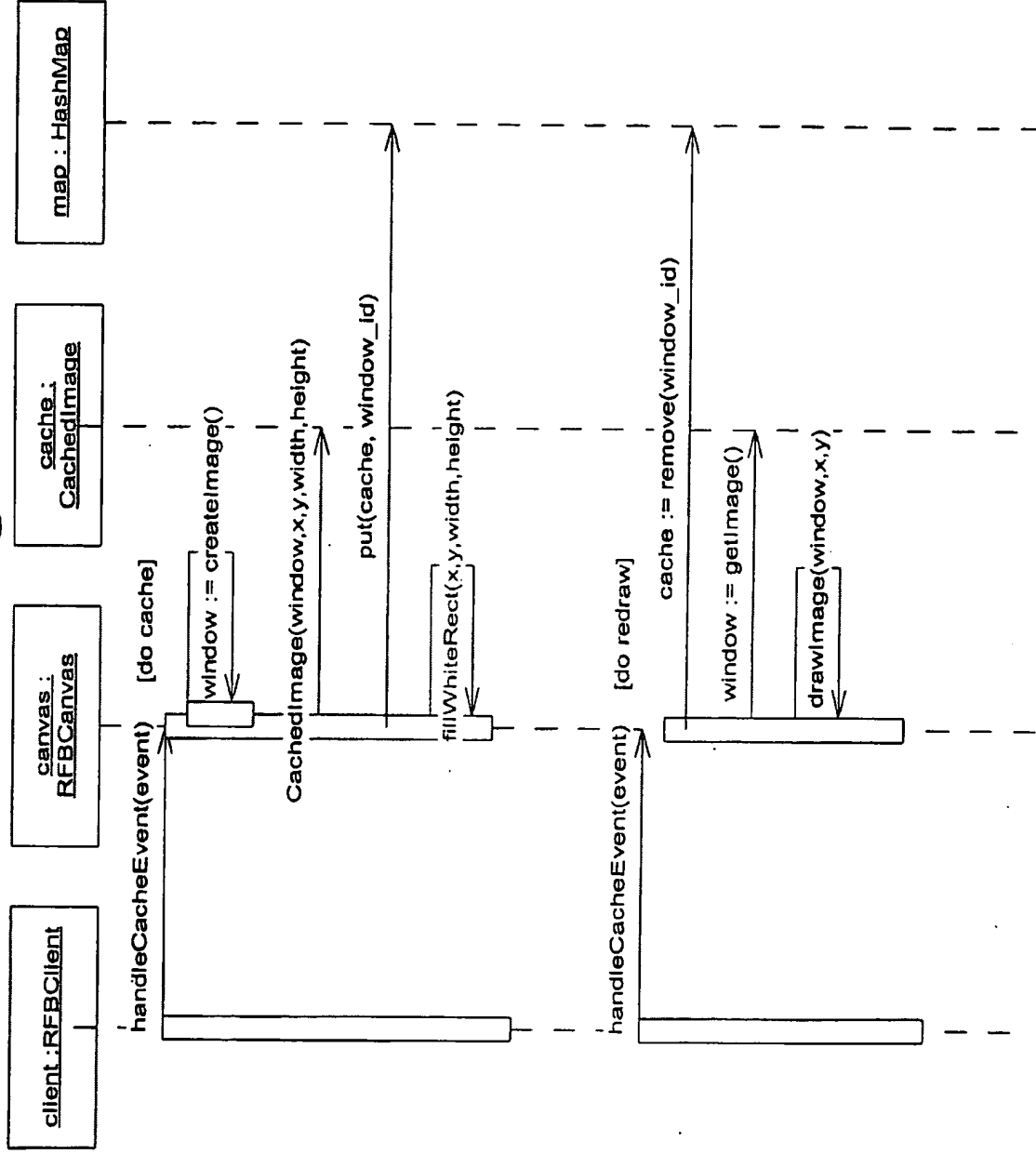
Design

Bitmap Caching in the Server



Design

Bitmap Caching in the Client



Design